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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,539	12/11/2003	Timothy A. Tamcsin	20030317.ORI	2641

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EXAMINER

MILLS, DANIEL J

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 10/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,539

Applicant(s)

TAMCSIN

Examiner

Daniel J. Mills

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/2/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on 8/2/2005. These drawings are acceptable.

Claim Objections

The objections set forth in a previous action are withdrawn in view of Applicant's amendment submitted 8/2/2005.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

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Regarding claims 1-3, for two rings or cylinders to be coaxial, they must share a common axis. It is not disclosed in the application that the split rings can be coaxial and therefore this added limitation constitutes new matter.

Claim Rejections - 35 USC § 103

The office will examine the claims as best understood by the examiner on their merits, however, the claims become unworkable and contradictory when read with the limitation "coaxial with and" in claim 1 line 3, and claim 3 line 3, therefore, the examiner has no choice but to ignore this limitation.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobacker (US 6,578,652), in view of the 2002 two brothers racing catalog page 77 (twobros).

As to claim 1, Kobacker discloses a clamp for a handlebar on a motorcycle comprising: a first split ring (62) for engaging a fork tube on the motorcycle, a second split ring (64) integrally connected to the first split ring, wherein both split rings have a locking portion (the flanges through which the bolts pass in figure 9) integral with the split ring having a bolt aperture (shown by the positioning of bolts 76, 78) through the locking portions, and a bolt (76, 78) for extending through the locking portion apertures for engaging the threads of the locking portion (one flange per ring is threaded) to adjust

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the size of gap between the locking portions and tightening or loosening the first split ring on the fork tube of the vehicle and tightening or loosening the second split ring on a handlebar.

Kobacker fails to disclose an arrangement for clamping the split rings, which includes cylindrical posts insertable into the locking portions of the split rings, and through which the bolt is attached.

Twobros (see Figure 1 in this action) teaches a split ring clamping arrangement in which a locking portion integral with the split ring has a first post aperture (2) and a second post aperture (1), one on either side of a gap in the split ring, and a bolt aperture (shown by the positioning of bolt 3) through the locking portions, a first post having a smooth wall aperture there through and a second post having an aperture with a threaded wall there through (this is clearly true from the illustration), and a bolt (3) for extending through the locking portion apertures and the posts for engaging the threads of the second post to adjust the size of gap between the locking portions. This arrangement is taught as useful to distribute the clamping load over the entire split ring. Accordingly it would have been obvious to one of ordinary skill in the adjustable handle bar clamp art at the time of applicant's invention, to modify an arrangement as disclosed by Kobacker to include a clamping arrangement as taught by twobros for the purpose of evenly distributing the clamping load.

Claims 2 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobacker (US 6,578,652) and two brothers racing catalog page 77 (twobros) as set forth in claim 1, above, and further in view of Newkirk (US 5,899,117).

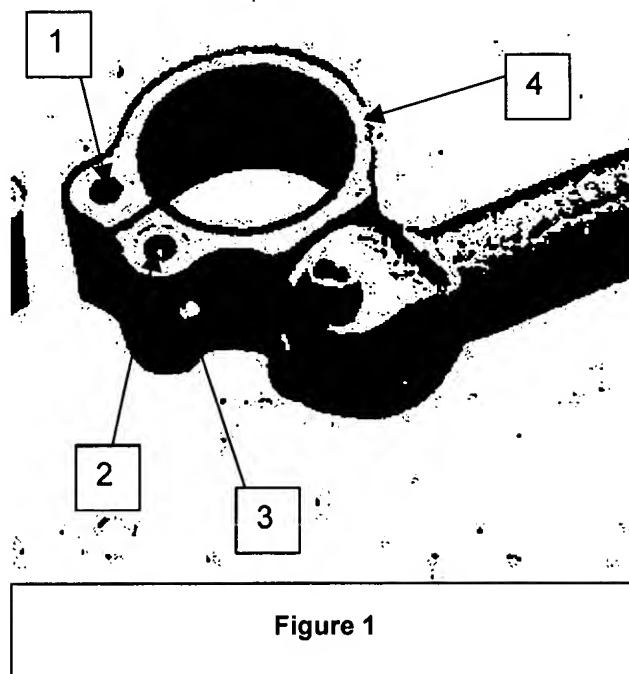
As to claim 2, Kobacker in view of twobros discloses a clamp for a handlebar on a motorcycle further comprising a handlebar having a column (the portion of the bar within the clamp 64 as shown by figure 9) for engaging the second split ring (64), and a hand grip (68) portion extending from the column but does not disclose that the handgrip extend perpendicularly from the column.

Newkirk teaches the use of a cycle handlebar (see Figure 1) with a handgrip portion (75) extending perpendicularly from the column (70) to improve the position of the rider. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of applicants invention to modify the arrangement of Kobacher and twobros to include a cycle handlebar with handgrip portion extending perpendicularly from the column as taught by Newkirk, for purpose of improving the rider's position.

As to claim 3, Kobacker in view of twobros and Newkirk discloses a clamp for a handlebar on a motorcycle comprising: a first split ring (62) for adjustably engaging a fork tube on the motorcycle, a second split ring (64) integrally connected to the first split ring, a handlebar having a column portion (68) adjustably held in place by the second split ring, and a handgrip portion (Newkirk 75) perpendicular to the column portion, wherein both split rings have a locking portion (the flanges through which the bolts pass) integral with their respective split rings, such that the first split ring can be tightened or loosened to install or adjust the position of the clamp axially and radially along the fork tube and the second split ring can be tightened or loosened to install or adjust the position of the handlebar axially and radially in the second split ring (this is done by shifting the eccentric bushing within the bore), whereby an infinite range of

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motion of the handlebars is allowed by independently moving the clamps up on down on the forks and rotating the clamps on the forks, and by independently moving the handlebars up and down in the clamps and rotating the handlebars in the clamps (the handle bars are moved up and down as they are rotated through a circle with the eccentric bushing).



Response to Arguments

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., increased vertical adjustability) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The combination of Kobacker, twobros, and Newkirk is believed proper as set forth in the detailed rejections above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Rocket (US 20020108465) is cited for pertaining to cycle handlebar design.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, the limitation calling for a handgrip portion extending perpendicularly from the column in claims 2 and 3 necessitated the new ground of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Mills whose telephone number is 571-272-8115. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DJM

DJM

10/14/2005



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